

SENATE BILL 305
EMERGENCY BILL

Unofficial Copy
P5

2003 Regular Session
3lr0262

By: **The President (By Request - Department of Legislative Services)**

Introduced and read first time: January 31, 2003

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Annual Curative Bill**

3 FOR the purpose of generally curing previous Acts of the General Assembly with
4 possible title or other defects; requiring the Department of Health and Mental
5 Hygiene to make a certain application for a Medical Assistance Program waiver
6 available to the public and to provide an opportunity for public comment on the
7 application; altering the definition of "dealer" under the State Boat Act to
8 include certain lienholders who sell a vessel under certain provisions of the
9 Commercial Law Article; providing for the effect and construction of certain
10 provisions of this Act; making this Act an emergency measure; and generally
11 repealing and reenacting with or without amendments certain Acts of the
12 General Assembly that may be subject to possible title or other defects in order
13 to validate those Acts.

14 BY repealing and reenacting, without amendments,
15 Article - Agriculture
16 Section 8-803.1(a) and (b)
17 Annotated Code of Maryland
18 (1999 Replacement Volume and 2002 Supplement)

19 BY repealing and reenacting, without amendments,
20 Article - Courts and Judicial Proceedings
21 Section 3-8A-19(a) through (c) and (e) through (g)
22 Annotated Code of Maryland
23 (2002 Replacement Volume)

24 BY repealing and reenacting, without amendments,
25 Article - Education
26 Section 12-106(d)
27 Annotated Code of Maryland
28 (2001 Replacement Volume and 2002 Supplement)

29 BY repealing and reenacting, without amendments,

1 Article - Election Law
2 Section 14-105
3 Annotated Code of Maryland
4 (2003 Volume)

5 BY repealing and reenacting, without amendments,
6 Article - Health - General
7 Section 13-1801 through 13-1805, inclusive; 15-134; and 20-506(a)
8 Annotated Code of Maryland
9 (2000 Replacement Volume and 2002 Supplement)

10 BY repealing and reenacting, without amendments,
11 Article - Natural Resources
12 Section 8-701(c) and 10-415
13 Annotated Code of Maryland
14 (2000 Replacement Volume and 2002 Supplement)

15 BY repealing and reenacting, without amendments,
16 Article - Tax - General
17 Section 12-105(a)
18 Annotated Code of Maryland
19 (1997 Replacement Volume and 2002 Supplement)

20 BY repealing and reenacting, without amendments,
21 Article - Transportation
22 Section 16-110.1
23 Annotated Code of Maryland
24 (2002 Replacement Volume)

25 BY repealing and reenacting, without amendments,
26 Chapter 471 of the Acts of the General Assembly of 1991, as amended by
27 Chapter 4 of the Acts of the General Assembly of the First Special Session
28 of 1992 and Chapter 290 of the Acts of the General Assembly of 2002
29 Section 1(3)(A)(7)(a)(i)(1)

30 BY repealing and reenacting, with amendments,
31 Chapter 291 of the Acts of the General Assembly of 2002
32 Section 2 and 3

33 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
34 MARYLAND, That the Laws of Maryland read as follows:

1

Article - Agriculture

2 8-803.1.

3 (a) In this section, "gross income" means the actual income that is received in
4 a calendar year that results directly from the farm or agricultural use of the land.

5 (b) This section does not apply to:

6 (1) An agricultural operation with less than \$2,500 in gross income; or

7 (2) A livestock operation with less than eight animal units defined as
8 1,000 pounds of live animal weight per animal unit.

9 DRAFTER'S NOTE:

10 Error: Function paragraph of bill being cured incorrectly indicated that §
11 8-803.1(a) and (b) of the Agriculture Article was being amended.

12 Occurred: Chapter 522 (House Bill 468) of the Acts of 2002.

13

Article - Courts and Judicial Proceedings

14 3-8A-19.

15 (a) The provisions of this section do not apply to a peace order request or a
16 peace order proceeding.

17 (b) (1) After an adjudicatory hearing the court shall hold a separate
18 disposition hearing, unless the petition or citation is dismissed or unless such hearing
19 is waived in writing by all of the parties.

20 (2) A disposition hearing may be held on the same day as the
21 adjudicatory hearing if notice of the disposition hearing, as prescribed by the
22 Maryland Rules, is waived on the record by all of the parties.

23 (c) The priorities in making a disposition are consistent with the purposes
24 specified in § 3-8A-02 of this subtitle.

25 (e) (1) (i) Subject to the provisions of subparagraphs (iii) and (iv) of this
26 paragraph, in making a disposition on a finding that the child has committed the
27 violation specified in a citation, the court may order the Motor Vehicle Administration
28 to initiate an action, under the motor vehicle laws, to suspend the driving privilege of
29 a child licensed to operate a motor vehicle by the Motor Vehicle Administration for a
30 specified period of not less than 30 days nor more than 90 days.

31 (ii) In this paragraph "driver's license" means a license or permit to
32 drive a motor vehicle that is issued under the laws of this State or any other
33 jurisdiction.

1 (iii) In making a disposition on a finding that the child has
2 committed a violation of § 10-113 of the Criminal Law Article specified in a citation
3 that involved the use of a driver's license or a document purporting to be a driver's
4 license, the court may order the Motor Vehicle Administration to initiate an action
5 under the Maryland Vehicle Law to suspend the driving privilege of a child licensed to
6 operate a motor vehicle by the Motor Vehicle Administration:

- 7 1. For a first offense, for 6 months; and
8 2. For a second or subsequent offense, until the child is 21
9 years old.

10 (iv) In making a disposition on a finding that the child has
11 committed a violation under § 26-103 of the Education Article, the court shall order
12 the Motor Vehicle Administration to initiate an action, under the motor vehicle laws,
13 to suspend the driving privilege of a child licensed to operate a motor vehicle by the
14 Motor Vehicle Administration for a specified period of not less than 30 days nor more
15 than 90 days.

16 (v) If a child subject to a suspension under this subsection does not
17 hold a license to operate a motor vehicle on the date of the disposition, the suspension
18 shall commence:

- 19 1. If the child is at least 16 years of age on the date of the
20 disposition, on the date of the disposition; or
21 2. If the child is younger than 16 years of age on the date of
22 the disposition, on the date the child reaches the child's 16th birthday.

23 (2) In addition to the dispositions under paragraph (1) of this subsection,
24 the court also may:

25 (i) Counsel the child or the parent or both, or order the child to
26 participate in an alcohol education or rehabilitation program that is in the best
27 interest of the child;

28 (ii) Impose a civil fine of not more than \$25 for the first violation
29 and a civil fine of not more than \$100 for the second and subsequent violations; or

30 (iii) Order the child to participate in a supervised work program for
31 not more than 20 hours for the first violation and not more than 40 hours for the
32 second and subsequent violations.

33 (3) (i) The provisions of paragraphs (1) and (2) of this subsection do
34 not apply to a child found to have committed a violation of § 10-108 of the Criminal
35 Law Article.

36 (ii) In making a disposition on a finding that the child has
37 committed a violation of § 10-108 of the Criminal Law Article, the court may:

1 1. Counsel the child or the parent or both, or order the child
2 to participate in a smoking cessation clinic, or other suitable presentation of the
3 hazards associated with tobacco use that is in the best interest of the child;

4 2. Impose a civil fine of not more than \$25 for the first
5 violation and a civil fine of not more than \$100 for a second or subsequent violation;
6 or

7 3. Order the child to participate in a supervised work
8 program for not more than 20 hours for the first violation and not more than 40 hours
9 for a second or subsequent violation.

10 (4) (i) In making a disposition on a finding that the child has
11 committed a violation of Title 4, Subtitle 5 or § 9-504 or § 9-505 of the Criminal Law
12 Article, the court may order the Motor Vehicle Administration to initiate an action,
13 under the Maryland Vehicle Law, to suspend the driving privilege of a child for a
14 specified period not to exceed:

15 1. For a first offense, 6 months; and

16 2. For a second or subsequent offense, 1 year or until the
17 person is 21 years old, whichever is longer.

18 (ii) If a child subject to a suspension under this paragraph does not
19 possess the privilege to drive on the date of the disposition, the suspension shall
20 commence:

21 1. If the child is at an age that is eligible to obtain the
22 privilege to drive on the date of the disposition, on the date of the disposition; or

23 2. If the child is younger than an age that is eligible to obtain
24 the privilege to drive on the date of the disposition, on the date the child is eligible to
25 obtain driving privileges.

26 (f) A guardian appointed under this section has no control over the property of
27 the child unless he receives that express authority from the court.

28 (g) The court may impose reasonable court costs against a respondent, or the
29 respondent's parent, guardian, or custodian, against whom a finding of delinquency
30 has been entered under the provisions of this section.

31 DRAFTER'S NOTE:

32 Error: Function paragraph of bill being cured incorrectly indicated that §
33 3-8A-19(a) through (g), rather than § 3-8A-19(d), was being amended.

34 Occurred: Chapter 406 (House Bill 1081) of the Acts of 2002.

Article - Education

12-106.

(d) With respect to each institution under its jurisdiction, and subject to the provisions of Title 11 of this article, in consultation with the Chancellor, the Board shall:

(1) Review each new program proposed to be established and implemented within existing program resources in accordance with § 11-206.1 of this article;

(2) Ensure that the new program:

(i) Is consistent with the institution's adopted mission statement in accordance with Title 11, Subtitle 3 of this article;

(ii) Meets criteria for the quality of new programs, developed in consultation with the Maryland Higher Education Commission; and

(iii) Can be implemented within existing program resources of the institution, verified by a process established in consultation with the Maryland Higher Education Commission; and

(3) Approve the proposed new program within 60 days if the program meets the criteria in item (2) of this subsection, subject to the requirements of § 11-206.1(c) and (d) of this article.

DRAFTER'S NOTE:

Error: Function paragraph of bill being cured incorrectly indicated that § 12-106(d) of the Education Article was unamended.

Occurred: Chapter 244 (House Bill 731) of the Acts of 2002.

Article - Election Law

14-105.

(a) Except as provided in subsection (f) of this section, an applicable contribution made by an officer, director, or partner of a business entity doing public business shall be attributed to the business entity.

(b) Except as provided in subsection (f) of this section, each officer, director, or partner of a business entity doing public business who makes an applicable contribution shall report the applicable contribution to the chief executive officer of the business entity.

1 (c) A contribution by an officer, director, partner, employee, agent, or other
2 person made at the suggestion or direction of a business entity doing public business
3 shall be attributed to the business entity.

4 (d) Each officer, director, partner, employee, agent, or other person who, at the
5 suggestion or direction of a business entity doing public business, makes an
6 applicable contribution shall report the applicable contribution to the chief executive
7 officer of the business entity.

8 (e) (1) Business done with a governmental entity by a subsidiary of a
9 business entity shall be attributed to the business entity if 30% or more of the equity
10 of the subsidiary is owned or controlled by the business entity.

11 (2) Applicable contributions made by or attributed to a subsidiary
12 described in paragraph (1) of this subsection shall be attributed to the business entity.

13 (f) (1) Subject to paragraph (2) of this subsection, an applicable contribution
14 made by an individual who serves as a trustee or member of the board of directors of
15 a not-for-profit organization doing public business is not attributable to the
16 organization, and the individual is not required to report the applicable contribution
17 to the chief executive officer of the organization.

18 (2) This subsection does not apply if:

19 (i) the applicable contribution is made on the recommendation of
20 the not-for-profit organization; or

21 (ii) the individual described in paragraph (1) of this subsection is
22 paid by the not-for-profit organization.

23 DRAFTER'S NOTE:

24 Error: Function paragraph of bill being cured incorrectly indicated that §
25 13-226, rather than § 14-105, of the Election Law Article was being
26 amended.

27 Occurred: Chapter 405 (House Bill 1076) of the Acts of 2002.

28 **Article - Health - General**

29 13-1801.

30 There is a State Advisory Council on Pain Management.

31 13-1802.

32 (a) (1) The Advisory Council consists of 13 members.

33 (2) Of the 13 members:

1 (i) One shall be a member of the Senate of Maryland appointed by
2 the President of the Senate;

3 (ii) One shall be a member of the House of Delegates appointed by
4 the Speaker of the House; and

5 (iii) 11 shall be appointed by the Governor.

6 (3) Of the 11 members appointed by the Governor:

7 (i) One shall be a representative of the Department of Health and
8 Mental Hygiene;

9 (ii) One shall be a representative of the Attorney General;

10 (iii) One shall be a physician certified in pain management;

11 (iv) One shall be a consumer;

12 (v) One shall be a dentist;

13 (vi) One shall be an ethicist;

14 (vii) One shall be a physician certified in geriatric medicine;

15 (viii) One shall be a pediatrician;

16 (ix) One shall be a pharmacist; and

17 (x) Two shall be registered nurses with expertise in hospice,
18 oncology, long-term care, anesthesia, or pain management.

19 (b) (1) The term of a member is 2 years.

20 (2) If a vacancy occurs during the term of a member, the Governor shall
21 appoint a successor who will serve only for the rest of the term and until another
22 successor is appointed and qualifies.

23 (c) The Governor may remove a member for incompetence or misconduct.

24 13-1803.

25 The Advisory Council shall elect a chairman from among the members of the
26 Advisory Council.

27 13-1804.

28 (a) A majority of the members serving on the Advisory Council represents a
29 quorum to do business.

1 (b) (1) The Advisory Council shall meet at least four times a year, at the
2 times and places that it determines.

3 (2) The Department shall publish notification of the meetings.

4 (c) A member of the Advisory Council:

5 (1) May not receive compensation; but

6 (2) Is entitled to reimbursement for expenses under the Standard State
7 Travel Regulations, as provided in the State budget.

8 (d) The Secretary shall designate the staff necessary to carry out this subtitle.
9 13-1805.

10 (a) The purpose of the Advisory Council shall be to provide advice and
11 recommendations with respect to pain management policy, including the following:

12 (1) Acute and chronic pain management treatment practices by health
13 care providers in Maryland;

14 (2) State statutes and regulations relating to pain management
15 therapies;

16 (3) The sanction and use of alternative therapies;

17 (4) Acute and chronic pain management education provided by medical,
18 nursing, pharmacy, and dental schools in this State;

19 (5) Acute and chronic pain management needs of both adults and
20 children;

21 (6) Development of a pain management resource compendium and a
22 palliative care hot line; and

23 (7) Other issues relating to pain management that the Advisory Council
24 deems appropriate.

25 (b) In achieving its purpose, the Advisory Council may, as appropriate, consult
26 with the following individuals, organizations, or entities:

27 (1) An acupuncturist;

28 (2) The American Association of Retired Persons;

29 (3) The Department of Aging;

30 (4) An AIDS specialist;

31 (5) The American Cancer Society;

- 1 (6) The Association of Maryland Hospitals and Health Systems;
- 2 (7) A caregiver for an individual currently being treated for chronic pain;
- 3 (8) A community pharmacist;
- 4 (9) The Health Care Facilities Association of Maryland;
- 5 (10) A home health registered nurse;
- 6 (11) The Hospice Network of Maryland;
- 7 (12) An individual currently being treated for chronic pain;
- 8 (13) The Johns Hopkins University School of Medicine;
- 9 (14) A long-term care registered nurse;
- 10 (15) The Maryland Ambulatory Surgical Association;
- 11 (16) The Maryland Patient Advocacy Group;
- 12 (17) The Maryland Pharmacists Association;
- 13 (18) The Medical and Chirurgical Faculty of Maryland;
- 14 (19) The Mid-Atlantic Nonprofit Health and Housing Association;
- 15 (20) A nurse administrator;
- 16 (21) An oncologist;
- 17 (22) A pain specialist;
- 18 (23) The Pharmaceutical Research and Manufacturers of America;
- 19 (24) A physical therapist;
- 20 (25) A psychiatrist;
- 21 (26) A psychologist;
- 22 (27) A respiratory therapist;
- 23 (28) The State Acupuncture Board;
- 24 (29) The State Board of Nursing;
- 25 (30) The State Board of Pharmacy;
- 26 (31) The State Board of Physician Quality Assurance;

- 1 (32) A social worker;
- 2 (33) A surgeon;
- 3 (34) The United Seniors of Maryland;
- 4 (35) The University of Maryland Dental School;
- 5 (36) A Maryland law school;
- 6 (37) The University of Maryland School of Medicine;
- 7 (38) The University of Maryland School of Pharmacy;
- 8 (39) The American Pain Foundation;
- 9 (40) A physician who specializes in emergency medicine;
- 10 (41) A nurse who specializes in emergency room medicine; and
- 11 (42) Any other individual or group knowledgeable in pain management.

12 (c) (1) On or before September 30, 2003, the Advisory Council shall issue an
13 interim report to the General Assembly, in accordance with § 2-1246 of the State
14 Government Article, that includes recommendations on pain management issues in
15 Maryland.

16 (2) On or before September 30, 2004, the Advisory Council shall issue a
17 final report to the General Assembly, in accordance with § 2-1246 of the State
18 Government Article, that includes recommendations on pain management issues in
19 Maryland.

20 DRAFTER'S NOTE:

21 Error: Function paragraph of bill being cured incorrectly indicated that
22 §§ 13-601 through 13-605, rather than §§ 13-1601 through 13-1605
23 (which were redesignated as §§ 13-1801 through 13-1805 by the publisher
24 of the Annotated Code), of the Health - General Article were being added.

25 Occurred: Chapter 368 (House Bill 423) of the Acts of 2002.

26 15-134.

27 (a) If the Department applies for a Medical Assistance Program waiver or
28 modifies or amends an existing Medical Assistance Program waiver, the Department
29 shall give notice of the application by publication in the Maryland Register.

30 (b) For 30 days following publication of any notice published under subsection
31 (a) of this section, the Department shall:

1 (1) Make the Medical Assistance Program waiver application available
2 to the public during business hours; and

3 (2) Provide an opportunity to receive public comments on the Medical
4 Assistance Program waiver application.

5 DRAFTER'S NOTE:

6 Error: Omitted word in purpose paragraph of bill being cured.

7 Occurred: Chapter 83 (House Bill 750) of the Acts of 2002.

8 20-506.

9 (a) The Foundation shall:

10 (1) Solicit and accept any gift, grant, legacy, or endowment of money,
11 including in-kind services, from the federal government, State government, local
12 government, or any private source in furtherance of the Foundation;

13 (2) Provide grants to programs that:

14 (i) Promote public awareness of the need to provide more timely
15 and cost-effective care for uninsured Marylanders and reduce health care disparities
16 associated with poverty, gender, and race;

17 (ii) Expand access to health care services for uninsured individuals;
18 or

19 (iii) Provide or subsidize health insurance coverage for uninsured
20 individuals;

21 (3) Study the feasibility and cost-effectiveness of providing health
22 insurance coverage through the private market to uninsured children and their
23 families as part of the program established under § 15-301 of this article;

24 (4) Develop programs for sponsorship by corporate and business
25 organizations or private individuals;

26 (5) Develop criteria for awarding grants to health care delivery programs
27 that may include programs addressing health care disparities in insurance coverage
28 programs or corporate sponsorship programs;

29 (6) Develop criteria for prioritizing programs to be supported;

30 (7) Develop criteria for evaluating the effectiveness of programs
31 receiving grants;

32 (8) Make, execute, and enter into any contract or other legal instrument;

33 (9) Receive appropriations as provided in the State budget;

1 (10) Lease and maintain an office at a place within the State that the
2 Foundation designates;

3 (11) Adopt bylaws for the regulation of its affairs and the conduct of its
4 business;

5 (12) Administer the Maryland Medbank Program in accordance with §
6 15-124.2 of this article;

7 (13) Take any other action necessary to carry out the purposes of the
8 Foundation; and

9 (14) Report annually to the Governor and, subject to § 2-1246 of the State
10 Government Article, to the General Assembly, on its activities during the preceding
11 year, including an evaluation of the effectiveness of funded programs, together with
12 any recommendations or requests deemed appropriate to further the purposes of the
13 Foundation.

14 DRAFTER'S NOTE:

15 Error: Body of bill being cured failed to show current version of §
16 20-506(a) of the Health - General Article and function paragraph
17 incorrectly indicated that § 20-506(a) was being amended "[a]s enacted by
18 Chapters 134 and 135 of the Acts of the General Assembly of 2001."

19 Occurred: Chapter 162 (Senate Bill 451) of the Acts of 2002.

20

Article - Natural Resources

21 8-701.

22 (c) (1) "Dealer" means any person who:

23 (i) Engages in whole or in part in the business of buying, selling, or
24 exchanging new and unused vessels or used vessels, or both, either outright or on
25 conditional sale, bailment, lease, chattel mortgage, or otherwise; and

26 (ii) Has an established place of business for sale, trade, and display
27 of vessels.

28 (2) "Dealer" includes:

29 (i) A yacht broker; and

30 (ii) A holder of a lien created under Title 16, Subtitle 2 of the
31 Commercial Law Article who sells the vessel pursuant to that Title, including an
32 auctioneer and a company commonly known as a lien and recovery company.

33 DRAFTER'S NOTE:

34 Error: Purpose paragraph of bill being cured failed to accurately describe

1 the changes made by the bill.

2 Occurred: Chapter 272 (House Bill 1190) of the Acts of 2002.

3 10-415.

4 (a) There are the following 3 seasons to hunt deer:

5 (1) Deer bow hunting season;

6 (2) Deer firearms season; and

7 (3) Deer muzzle loader season.

8 (b) (1) Every person killing a deer shall report with the deer to a designated
9 checking station within 24 hours after killing the deer.

10 (2) Notwithstanding any requirement of law, if the designated checking
11 stations are closed in the county where a person kills a deer, a Natural Resources
12 police officer shall authorize the person to report with the deer to a designated
13 checking station in another county.

14 (c) (1) Subject to subsection (d)(3) of this section, a person with a hunting
15 license also may purchase bonus deer stamps from the Department.

16 (2) A bonus deer stamp allows a person with the hunting license to hunt
17 1 deer for each stamp purchased in any of the following hunting seasons for deer in
18 the State:

19 (i) Deer bow hunting season;

20 (ii) Deer muzzle loader season; and

21 (iii) Deer firearms season.

22 (3) An individual who purchases a bonus antlered deer stamp but does
23 not use it during a particular season may use that stamp during any subsequent
24 season in that hunting license year.

25 (4) The fee for each bonus antlered deer stamp issued in accordance with
26 this subsection shall be \$10.00 for residents and \$25.00 for nonresidents.

27 (5) The Department may establish by regulation the type and number of
28 deer stamps issued under this subsection if necessary to control the deer harvest in
29 various areas of the State.

30 (d) Repealed.

31 (e) A person may not remove the head or hide or any part from any deer,
32 except internal organs, or cut the meat into parts until the deer has been checked by
33 the Department or 1 of the Department's agents at a designated checking station.

1 Removal of the head or the hide of any deer not checked at a designated checking
 2 station shall be prima facie evidence that the deer was hunted illegally. Each separate
 3 deer or part of any deer taken illegally or found in possession shall be considered a
 4 separate offense.

5 (f) Any person who, while operating a motor vehicle on any highway in the
 6 State, accidentally strikes and kills a deer on the highway may have the deer if the
 7 person produces visible evidence of collision with the deer to any Natural Resources
 8 police officer, State law enforcement officer, or other designated representative of the
 9 Secretary. The provisions of this subsection shall be applicable to deer killed by
 10 collision with a motor vehicle at any time whether during the open season for killing
 11 deer or during the legally closed season.

12 (g) A person may not hunt a deer while the deer is taking refuge in or
 13 swimming through the waters of the State.

14 (h) Abrogated.

15 (i) Upon written request from a federal facility for a variance from the
 16 established deer hunting season, the Department shall review the request and may:

17 (1) Approve the request;

18 (2) Deny the request; or

19 (3) Approve the request with conditions.

20 DRAFTER'S NOTE:

21 Error: Function paragraph of bill being cured incorrectly indicated that §
 22 4-215(d), rather than § 10-415(d), of the Natural Resources Article was
 23 repealed.

24 Occurred: Chapter 177 (Senate Bill 599) of the Acts of 2002.

25 **Article - Tax - General**

26 12-105.

27 (a) The tobacco tax rate for cigarettes is:

28 (1) 50 cents for each package of 10 or fewer cigarettes;

29 (2) \$1.00 for each package of at least 11 and not more than 20 cigarettes;

30 (3) 5.0 cents for each cigarette in a package of more than 20 cigarettes;

31 and

32 (4) 5.0 cents for each cigarette in a package of free sample cigarettes.

33 DRAFTER'S NOTE:

1 Error: Function paragraph of bill being cured failed to indicate that §
2 12-105(a) of the Tax - General Article was being amended.

3 Occurred: Chapter 288 (Senate Bill 856) of the Acts of 2002.

4 **Article - Transportation**

5 16-110.1.

6 (a) For an unrestricted license, each applicant is required to have:

7 (1) Simultaneously:

8 (i) A minimum visual acuity of 20/40 in each eye; and

9 (ii) A continuous field of vision of at least 140 degrees; and

10 (2) Binocular vision.

11 (b) If the applicant's vision can be corrected by glasses or contact lenses to
12 meet the standards of this section, the Administration may issue the applicant a
13 restricted license, endorsed "corrective lenses".

14 (c) (1) The Administration may issue a restricted license to an applicant
15 who has simultaneously:

16 (i) A visual acuity of at least 20/40 in one or both eyes; and

17 (ii) A continuous field of vision of at least 110 degrees and with at
18 least 35 degrees lateral to the midline of each side.

19 (2) To qualify for a restricted license under this subsection, the
20 Administration may require an applicant to submit a report of examination by a
21 licensed ophthalmologist or optometrist for evaluation by the Administration or its
22 Medical Advisory Board.

23 (3) A license issued under this subsection:

24 (i) Shall be endorsed "outside mirrors each side"; and

25 (ii) May be subject to additional restrictions imposed by the
26 Administration, based on recommendations of the applicant's ophthalmologist or
27 optometrist, or any other evaluation that the Administration determines appropriate.

28 (d) (1) The Administration may only issue a restricted noncommercial
29 driver's license to an applicant who does not otherwise meet the vision standards
30 under this section but who has simultaneously:

31 (i) A visual acuity of at least 20/70 in one or both eyes; and

1 (ii) A continuous field of vision of at least 110 degrees and with at
2 least 35 degrees lateral to the midline of each side.

3 (2) To qualify for a restricted license under this subsection, the
4 Administration may require an applicant to submit a report of examination by a
5 licensed ophthalmologist or optometrist for evaluation by the Administration or its
6 Medical Advisory Board.

7 (3) A license issued under this subsection:

8 (i) Shall be endorsed "outside mirrors each side"; and

9 (ii) May be subject to additional restrictions imposed by the
10 Administration, based on recommendations of the applicant's ophthalmologist or
11 optometrist, or any other evaluation that the Administration determines appropriate.

12 (e) The Administration may not issue any driver's license if the applicant does
13 not meet the vision standards under this subtitle.

14 (f) An individual issued a restricted driver's license under this section who
15 has had vision correction surgery resulting in the individual's meeting the
16 requirements for an unrestricted license may:

17 (1) Apply to the Administration for a corrected license without the vision
18 restriction; or

19 (2) Until the time of a license renewal or issuance of a corrected license,
20 carry written certification from a licensed ophthalmologist or optometrist that the
21 individual meets the vision requirements for an unrestricted license under this
22 section.

23 DRAFTER'S NOTE:

24 Error: Function paragraph of bill being cured incorrectly indicated that §
25 16-110.1 of the Transportation Article was unamended.

26 Occurred: Chapter 463 (Senate Bill 353) of the Acts of 2002.

27 **Chapter 471 of the Acts of 1991, as amended by Chapter 4 of the**
28 **Acts of the First Special Session of 1992, as amended by Chapter 290**
29 **of the Acts of 2002**

30 Section 1(3)(A)(7)(a)

31 (i) (1) Construct Phase IIa renovations and provide equipment
32 for Hayden-Harris Hall1,532,000

33 DRAFTER'S NOTE:

34 Error: Function paragraph of bill being cured incorrectly indicated that §

1 1(3)(A)(7)(a)(i), rather than § 1(3)(A)(7)(a)(i)(1), of Chapter 471 of the Acts
2 of 1991 was being amended.

3 Occurred: Chapter 290 (Senate Bill 288) of the Acts of 2002.

4 **Chapter 291 of the Acts of 2002**

5 SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 1-101
6 through 1-304, inclusive, and the title "Title 1. Definitions and General Provisions";
7 2-101 through 2-303, inclusive, and the title "Title 2. Powers and Duties of the State
8 and Local Boards"; 3-101 through 3-603, inclusive, and the title "Title 3. Voter
9 Registration"; 4-101 through 4-205, inclusive, and the title "Title 4. Political Parties";
10 5-101 through 5-1303, inclusive, and the title "Title 5. Candidates"; 6-101 through
11 6-211, inclusive, and the title "Title 6. Petitions"; 7-101 through 7-105, inclusive, and
12 the title "Title 7. Questions"; 8-101 through 8-806, inclusive, and the title "Title 8.
13 Elections"; 9-101 through 9-103 AND 9-105 THROUGH 9-408, inclusive, and the title
14 "Title 9. Voting"; 10-101 through 10-315, inclusive, and the title "Title 10. Polling
15 Places"; 11-101 through 11-302, 11-302.1, 11-303, 11-303.1 through 11-604,
16 inclusive, and the title "Title 11. Canvassing"; 12-101 through 12-204, inclusive, and
17 the title "Title 12. Contested Elections"; and 16-101 through 16-1001, inclusive, and
18 the title "Title 16. Offenses and Penalties", respectively, of Article 33 of the Annotated
19 Code of Maryland be transferred to be Section(s) 1-101 through 1-304, inclusive, and
20 the title "Title 1. Definitions and General Provisions"; 2-101 through 2-303,
21 inclusive, and the title "Title 2. Powers and Duties of the State and Local Boards";
22 3-101 through 3-603, inclusive, and the title "Title 3. Voter Registration"; 4-101
23 through 4-205, inclusive, and the title "Title 4. Political Parties"; 5-101 through
24 5-1303, inclusive, and the title "Title 5. Candidates"; 6-101 through 6-211, inclusive,
25 and the title "Title 6. Petitions"; 7-101 through [7-106] 7-105, inclusive, and the title
26 "Title 7. Questions"; 8-101 through 8-806, inclusive, and the title "Title 8. Elections";
27 9-101 through 9-103 AND 9-105 THROUGH 9-408, inclusive, and the title "Title 9.
28 Voting"; 10-101 through 10-315, inclusive, and the title "Title 10. Polling Places";
29 11-101 through 11-302, 11-302.1, 11-303, 11-303.1 through 11-604, inclusive, and
30 the title "Title 11. Canvassing"; 12-101 through 12-204, inclusive, and the title "Title
31 12. Contested Elections"; and 16-101 through 16-1001, inclusive, and the title "Title
32 16. Offenses and Penalties", respectively, of Article - Election Law of the Annotated
33 Code of Maryland.

34 DRAFTER'S NOTE:

35 Error: Uncodified provision of bill being cured incorrectly indicated that:

36 (1) Article 33, §§ 7-101 through 7-105 were being transferred to be §§
37 7-101 through 7-106, rather than §§ 7-101 through 7-105, of the Election
38 Law Article; and

39 (2) Article 33, §§ 9-101 through 9-408, rather than §§ 9-101 through
40 9-103 and 9-105 through 9-408 were being transferred to the Election
41 Law Article.

1 Occurred: Chapter 291 (Senate Bill 1) of the Acts of 2002.

2 SECTION 3. AND BE IT FURTHER ENACTED, That the following Section(s)
3 of the Annotated Code of Maryland be repealed:

4 Article - 27 - Crimes and Punishments

5 Section 452

6 Article 33 - Election Code

7 Section 9-104; 13-101, 13-102, the title "Title 13. Campaign Finance", and the
8 subtitle "Subtitle 1. General Provisions"; 13-201 through 13-215,
9 inclusive, and the subtitle "Subtitle 2. Fund-Raising"; 13-301 through
10 13-303, inclusive, and the subtitle "Subtitle 3. Local Provisions"; 13-401,
11 13-402(a), (b), (c)(2), (d)(1)(ii), (2), and (3), (e), and (f), 13-403, and 13-404,
12 and the subtitle "Subtitle 4. Reporting Requirements"; 13-501 through
13 13-504, inclusive, and the subtitle "Subtitle 5. Campaign Materials";
14 13-601 through 13-605, inclusive, and the subtitle "Subtitle 6. Prohibited
15 Practices and Penalties"; 14-101 through 14-104, inclusive, and the title
16 "Title 14. Disclosure by Persons Doing Public Business"; and 15-101
17 through 15-110, inclusive, and the title "Title 15. Public Financing Act"

18 Article 41 - Governor - Executive and Administrative Departments

19 Section 2-405 AND 2-407

20 DRAFTER'S NOTE:

21 Error: Uncodified provision of bill being cured failed to indicate that
22 Article 33, § 9-104 and Article 41, § 2-405 were being repealed.

23 Occurred: Chapter 291 (Senate Bill 1) of the Acts of 2002.

24 SECTION 2. AND BE IT FURTHER ENACTED, That the Drafter's Notes
25 contained in this Act are not law and may not be considered to have been enacted as
26 part of this Act.

27 SECTION 3. AND BE IT FURTHER ENACTED, That this Act is an
28 emergency measure, is necessary for the immediate preservation of the public health
29 or safety, has been passed by a yea and nay vote supported by three-fifths of all the
30 members elected to each of the two Houses of the General Assembly, and shall take
31 effect from the date it is enacted.